

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**TUESDAY, MAY 29, 2007
7:00 P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Pastor Jack Williams, First Century Worship Center

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendations:

Recognizing National Police Week, accepted by representatives of F.O.P Lodge #9

Mayoral Proclamations:

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order. Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their

remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. AGENDA: Council Meeting of May 29, 2007.

3. MINUTES: Council Meeting of May 14, 2007

4. CONSENT AGENDA

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

Tabled Pending Further Discussion

Bill No. 16- amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading. **(Waltman/Goodman-Hinnershitz) *Introduced and tabled at the 03/12/07 meeting of Council.***

Bill No. 22- amending Chapter 20, Part 1 Solid Waste, of the City of Reading Codified Ordinances. **(Managing Director) *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 and 04/09/07 meeting of Council; discussed at the 04/16/07 Work Session.***

Bill No. 27- authorizing the Mayor to enter into agreement terminating the Clinton F. Earl Trust. **(Managing Director/Solicitor) *Introduced at the 03/26/07 meeting of Council; tabled at the 04/09/07 meeting of Council.***

Bill No. 28- amending Chapter 11, Housing, of the City of Reading Codified Ordinances. **(Managing Director/Solicitor)** ***Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 meeting of Council***

Bill No. 31- amending the City of Reading Codified Ordinances, by amending Chapter 11 Housing, Part 1 Rental Occupancy Permits, Section 102 Definitions and Section 103 Permits Required. **(Spencer)** ***Introduced at the 04/09/07 meeting of Council; discussed during***

Bill No. 34- an Ordinance amending the City of Reading Codified Ordinances by adding Part 15 Sidewalk Cafes to Chapter 10 Health and Safety. **(Council Staff)** ***Recommended by the Public Safety Committee, introduced at the 04/09/07 meeting of Council; tabled at the 04/23/07 meeting of Council; tabled at the 05/14/07 meeting of Council; discussed at the 05/21/07 Work Session.***

Bill No. 36- authorizing the Mayor to renew the lease between the City of Reading and the Berks County Chapter of the Izaak Walton League of America. The agreement shall be renewed for a period of 25 years. **(Public Works/ Council Staff)** ***Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting.***

Bill No. 37- amending the Codified Ordinances of the City of Reading, Chapter 6, Section 6-122, by bringing the section into compliance with the Bottle Club Ordinance. **(Council Staff)** ***Introduced at the 05/14/07 meeting of Council.***

Bill No. 38- increasing the salary of Charles D. Younger, City Solicitor to \$66,150.00, which reflects a 5% increase. **(Managing Director)** ***Introduced at the 05/14/07 meeting of Council.***

Bill No. 39- amending the Codified Ordinances Chapter 11, Part 1, Section 11-102. Permit required; Application; Fees and Exemptions by changing the mailing date, submittal date and effective date of the Rental Occupancy Permit Applications for the 2007 Calendar Year. **(Solicitor/Council Staff)** ***Introduced at the 05/14/07 meeting of Council.***

Bill No. 40- conveying, for \$1,000.00, a parcel known as the Chester Street Lot to Mr. John Weidner. **(Public Works Committee/Council Staff)** ***Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting.***

Bill No. 41- authorized to execute the “Landowner-Grantee Agreement” between the City of Reading and the RiverPlace Development Corporation and/or the PA Department of Environmental Protection for the establishment and maintenance, etc. of solar-powered lighting along the Schuylkill River and Wyomissing Creek Trails. **(Public Works/Solicitor) Introduced at the 05/14/07 meeting of Council.**

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- authorizing the acquisition of 101 Lancaster Avenue, from National Penn Bank. **(Managing Director)**

11. RESOLUTIONS

Resolution- urging Congress to adopt the Employee Free Choice Act. **(Spencer)**

Resolution- approving the reallocation of CDBG funds in the amount of \$143,376.00 to fund the Office of Neighborhood Development. **(Managing Director)**

Resolution- authorizing the submission of an application to the Pennsylvania Department of Community and Economic Development for the surveillance camera project. **(Managing Director)**

Resolution- approving a Capital Grant to BCTV, in the amount of \$192,422.00. **(Managing Director)**

Resolution- renewing the annual contract with BCTV, in the amount of \$170,000.00

PUBLIC COMMENT - GENERAL MATTERS **COUNCIL BUSINESS / COMMENTS**

COUNCIL MEETING SCHEDULE

Committee of the Whole-Tue, May 29th, Council Offices 5:00p.m.

Regular Meeting-Tue, May 29th, Council Chambers 7:00p.m.

Meeting with the Mayor- Wed, May 30th, Mayor's Office 4:00p.m.

Finance Committee Meeting-Mon, June 4th Council Office 5:00p.m.

Administrative Oversight Committee Meeting-Mon, June 4th, Council Office, 5:00p.m.

Meeting with Reading School Board-Tue, June 5th Council Office 5:30p.m.

Meeting with the Mayor- Wed, June 6th, Mayor's Office 4:00p.m.

Budget Summit-Sat. June 9th, Penn Room 9:00a.m.

Committee of the Whole-Mon, June 11th, Council Offices 5:00p.m.

Regular Meeting-Mon, June 11th, Council Chambers 7:00p.m.



City of Reading City Council Staff Report

Agenda Item: Sidewalk Café Ordinance **From:** Linda A. Kelleher, City Clerk
Briefing No.: 4-2007 **Date:** May 9, 2007

SUBJECT: Sidewalk Café Ordinance

SUMMARY: The need for a Sidewalk Café Ordinance was raised by the Codes Manager and Codes Administrator. The issue was researched by the City Clerk. Several good examples were obtained from St. Petersburg and Jacksonville Florida, Charleston NC, Austin Texas, New Rochelle NY, etc. The ordinance was drafted in consultation with the Codes Administrator. Current City laws prohibit sidewalk cafes due to public health and safety concerns. The enactment of the Sidewalk Café Ordinance would provide for sidewalk café activities which will greatly contribute to a pedestrian friendly community and encourage downtown revitalization.

This ordinance will allow sidewalk cafes in the Commercial Core Business zoning district falling roughly between North 2nd and North 7th and Franklin and Washington Streets (complete detail can be found on the Zoning Map located on the City website) and provides for the following:

- Operation of Sidewalk Cafes at businesses generating 65% of their annual income from food sales between April 15th – October 15th – during the hours that the restaurant's kitchen is open.
- Permit (revocable) to be issued by the Codes Office, with sign offs by RPD, Fire and Public Works - \$275 Large Café and \$25 Mini Café
- Requires approval of abutting businesses
- Requires conformance with LCB Laws when serving alcohol
- Requires trash receptacles and compliance with Noise Ord and other applicable City laws
- Defines design standards and regulations
- Requires Council approval for cafes desired outside the Commercial Core Business Zoning District

- Requires all food preparation and heating to take place inside the restaurant
- Requires Hold Harmless Agreement indemnifying the City

The ordinance was reviewed and discussed by the Public Safety Committee at their 4-16 Meeting. The attached ordinance reflects some minor changes recommended by the Committee.

RECOMMENDATIONS: Public Safety recommends the enactment of the Sidewalk Café Ordinance.

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES BY ADDING PART 15 SIDEWALK CAFES TO CHAPTER 10 HEALTH AND SAFETY AND ADDING THE PERMIT FEES TO THE CITY OF READING FEE SCHEDULE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending the Codified Ordinances by adding Part 15 Sidewalk Cafes to Chapter 10 Health and Safety as attached in Exhibit A and by adding the permit fees to the City of Reading Fee Schedule.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PART 15

SIDEWALK CAFES

§10-1500. Declaration of Purpose. The City of Reading City Council encourages an attractive, functional and economically vital community and shopping areas that are safe and pleasant environments to live near and to do business within. Council recognizes that commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available. It is Council's intent to encourage commercial growth that contributes to a vibrant and attractive community. As the current Code does not allow Sidewalk Cafes due to public health and safety concerns, Council believes that these activities can greatly contribute to a pedestrian friendly community if they conform to specific public health, and safety requirements defined herein.

§10-1501. Sidewalk Cafes. No person shall engage in the operation of a sidewalk cafe, without first applying for and obtaining a permit from the City of Reading Codes Enforcement Office and then operating within the terms and conditions of all applicable City ordinances. The Sidewalk Café Permit enables a restaurant to have outdoor dining, consistent with the terms herein, between April 15th and October 15th of each calendar year.

§10-1502. Definitions. For the purpose of this article, the following terms shall have the following meanings:

ABUTTING PROPERTY -- Property contiguous to a public street right-of-way on which a sidewalk cafe will be operated under the terms of this article.

COMMERCIAL CORE - is the zoning district defined as the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.

CITY ENGINEER -- The Director of Public Works or his authorized representative.

HEALTH OFFICER -- The Health Officer of the City of Reading Codes Enforcement Office or his authorized representative

MINI CAFE - a sidewalk café comprised of bistro tables which seats no more than four persons, does not serve alcohol and is without service from wait staff.

OWNER -- Includes any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole of the

land contiguous to the street right-of-way on which a sidewalk cafe is to be operated under the authority of this article.

PEDESTRIAN WALKWAY -- That portion of a sidewalk area which is free of any obstruction, fixture or appurtenance and is used for pedestrian travel.

PERSON -- Includes a partnership, corporation, association, trust, estate or other legally recognized entity, as well as an individual.

PUBLIC SERVICE FACILITY -- A public telephone, mailbox, bench or other facility provided for the use of the general public.

RESTAURANT -- A food service establishment where food is purchased and served in individual portions for consumption on the premises. This term shall not include an establishment which operates exclusively as a caterer, a commissary, a food processing establishment, a mobile food unit, a retail food store or a temporary food service establishment.

SIDEWALK -- Any paved area between the curbline and a structure, whether publicly or privately owned, which is used by the public or open to use by the public.

SIDEWALK CAFE -- An outdoor dining area operated by a restaurant, generating 65% of its annual revenue from food sales, serves alcohol, has tables that seat two or more patrons, provides wait staff for its patrons and is located on a sidewalk area or other designated public place and containing removable tables, chairs, plants and related appurtenances, which is not located on or does not encroach upon the pedestrian walkway as established under the provisions of this article. It shall not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy. It may but is not required to abut its sponsoring restaurant.

STREET RIGHT-OF-WAY - The entire right-of-way of a public highway, public alley or public road, including the designated sidewalk areas

§10-1503. Sidewalk Cafe - Issuance of Permit; Display.

It shall be unlawful for any person, firm, corporation, transient merchant, church, club, charitable institution, hawker or peddler to vend, sell or dispose of or offer to vend, sell, dispose of or display, any food, goods, wares, merchandise, produce or vegetables on any public walk, street, alley or anywhere within the City of Reading without registering with the City Codes Enforcement Office and the Tax Division. The phrase "sidewalk café" in this ordinance will be applied to both sidewalk cafes and mini-cafes unless otherwise stated.

§10-1504. Sidewalk Cafes – Issuance of Permit, Display

The Codes Enforcement Office is hereby authorized to grant revocable licenses for the use of the sidewalks for sidewalk cafes in the Commercial Core Zoning District upon the following terms and conditions. Registration shall be on a permit approved by the City Council. When the Codes Enforcement Office has approved the issuance of a sidewalk cafe permit, the applicant shall be issued a permit. The permit shall contain the information required on the application, the expiration date, and one of the photographs submitted with the application. The permit shall be carried by the applicant at all times when engaged in sidewalk café activities and shall be exhibited for inspection for any person.

A. The applicant shall comply with all of the terms and conditions for a sidewalk display license, set forth in this Part, including, without limitation, the indemnification, and insurance requirements.

B. The applicant shall delineate the cafe area with a removable physical barrier separating patrons from pedestrian traffic. The delineation and layout of the cafe area shall be consistent with the site plan submitted by the applicant.

C. No sidewalk cafe may be operated except:

(1) As an accessory to a restaurant or retail food store lawfully operating on the first floor of the premise.

(2) On the sidewalk in front of the principal place of business of such entity.

(3) By the entity which operates the restaurant or retail food store.

D. Sidewalk cafes shall operate only during the hours that the facilities kitchen is open for service, but not after 11 p.m.

E. Furnishings of a sidewalk cafe shall consist solely of readily removable umbrellas, covers, railings, tables, chairs, planters containing live plants, waste receptacles and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property or to any building or structure. All furnishings shall be removed from the sidewalk and stored in an approved manner when the sidewalk cafe is not in operation.

F. All food must be prepared within the existing restaurant or retail food store upon which the cafe permit has been granted.

G. The applicant shall be responsible for obtaining, maintaining in full force and effect and complying with the terms and conditions of any permit which may be

required under any other law or regulation for the serving of food or beverages, including alcoholic beverages, at a sidewalk cafe.

H. Sidewalk cafes, the public property on which they are located and the surrounding area shall at all times be kept free and clear of litter, debris and any substance that may damage the sidewalk or cause pedestrian injury.

I. The applicant shall maintain a sufficient number of receptacles for the disposal of waste, properly covered to prevent infestation by insects. Such receptacles shall be emptied as often as is necessary, but in no event less than once per day.

J. All sidewalk cafes and attendant facilities shall be inspected by the Codes Enforcement Office, or his designee and the Public Works Director, or his designee prior to the issuance of a sidewalk café permit.

K. Acceptance of a sidewalk cafe permit is an express acknowledgment and consent to the terms and restrictions set by this article and the Health Officer. The grant and usage of such license is a privilege, not a right, subject to reasonable restrictions as set out herein or as may be promulgated by the regulatory authority.

L. As an express condition of the acceptance of a permit hereunder, the recipient agrees to police for trash and debris an area extending 15 feet in each direction from the outermost portion or boundary of the sidewalk cafe at least twice daily.

§10-1505. Permitting for Sidewalk Cafes Outside the Commercial Core.

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein and then forwarded to City Council for approval.

§10-1506. Sidewalk Café Design Standards & Regulations.

All sidewalk cafes shall comply with the following standards:

- A. A sidewalk cafe shall have a pedestrian walkway with a clear unobstructed width of three feet between the sidewalk cafe and any obstacle (tree, pole, post, sign, planting area, bus shelter, etc.). The pedestrian walkway shall be provided with an unobstructed height of seven feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.).
- B. No sidewalk cafe may be permanently located within the sidewalk area by means of raised deck platform, fence, walls or other structures or enclosed by fixed walls, except that sidewalk cafe boundaries may be delineated by the use of temporary barriers such as balustrades, cordons or railings. Any such temporary barriers must

be easily removed and three feet or less in height above the sidewalk. Under no circumstances shall temporary barriers as authorized hereunder be allowed in the identified pedestrian walkway, nor shall a temporary barrier be affixed to the sidewalk or to any permanent structure, except that it may be attached by removable clips or devices approved in advance by the City Engineer.

- C. The City Engineer may approve temporary platforms or similar structures for the sole purpose of leveling sidewalk cafe areas on which sidewalk cafes are located.
- D. No sidewalk cafe shall be situated:
 - (1) Within six feet of any pedestrian crossing as defined in City of Reading Codified Ordinances;
 - (2) Within five feet along the street line of any fire hydrant or other emergency facility;
 - (3) Within five feet of any driveway;
 - (4) Within 10 feet to the rear of any sign marking a designated bus stop;
 - (5) In a manner which restricts sight easements of vehicular traffic; or
 - (6) In a manner which obstructs traffic control devices or traffic signs.
- E. All sidewalk cafes shall be open to the air.
- F. Canopies and awnings may be permitted in accordance with specifications, as delineated by the City Building Code and the City Zoning Code which relate to height, placement, interference with pedestrian passage and traffic sight easements. HARB approval may be required.
- G. Sidewalk cafes shall in no way obstruct the ingress to or the egress from any building or business.
- H. All sidewalk cafes and their attendant facilities or improvements shall comply with clearances required for structures in relation to utility lines as provided in the City Building Code.
- I. No sidewalk cafe shall be located on the sidewalk between the building facade and a bus stop.
- J. No portion of a sidewalk cafe or its facilities, appurtenances, planters, shrubs, tables, chairs or other materials shall be permitted in the pedestrian walkway as defined in this article.
- K. Sidewalk cafes shall provide and maintain adequate lighting in and around the pedestrian walkway so as to allow sidewalk users to observe and avoid obstructions.
- L. Sidewalk cafes shall not obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the sidewalk area or street.
- M. No signs shall be hung or attached to any portion of the sidewalk cafe, except those signs that are in compliance with provisions of the City Zoning Ordinance.
- N. A sidewalk cafe may be expanded to an abutting property with the written

permission of that abutting property owner.

- O. In the event that the proposed sidewalk cafe is not in front of a restaurant or abutting property, the applicant must provide written permission from the owner of the property and reasonable procedures that a sidewalk cafe can be operated in a noncontiguous location.

§10-1507. Sidewalk Cafe Regulations.

A sidewalk cafe authorized and operated pursuant to this article shall:

- A. Comply with all plans submitted to and approved by the Codes Enforcement Office.
- B. Serve alcoholic beverages only in conformance with Pennsylvania Liquor Control Board requirements.
- C. Operate only during the same hours the kitchen that the kitchen is open for service. All patrons must be vacated from the sidewalk cafe and all utensils, containers or any other serving materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area within one hour after the kitchen closes; provided, however, that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Code Enforcement Office's approval of the sidewalk cafe plans as described under §10-1507 above.
- D. Remove all sidewalk cafe structures by October 30, and not install prior to April 1, in any year for which a license is granted.
 - (1) In the event that favorable weather conditions should prevail, a sidewalk cafe may temporarily reopen on a daily basis during the time period set forth in Subsection D above, with the approval of the Codes Enforcement Office. All tables, chairs and other materials must be removed every day by sundown.
- E. Use no food serving or food service equipment to hold, store, heat, warm, cool, chill or otherwise keep food to be served outside of the sponsoring restaurant for use in or by a sidewalk cafe.
- F. Serve no food or beverages to a patron at a sidewalk cafe unless that patron is seated at a table.
 - (1) If the sidewalk cafe is located adjacent to the sponsoring restaurant, in lieu of Subsection F above, the following is allowed:
 - (a) Self-service by patrons, without table service; or
 - (b) Facilities for standing instead of sitting.
- G. Play no music, from whatever source (acoustical, electric, or other) on the premises outdoors, except in conformance within Chapter 6 Conduct, Noises of the Codified Ordinances.
- H. Police for trash and debris an area extending 15 feet in each direction from the

outermost portion or boundary of the sidewalk cafe at least daily.

- I. Comply with all other provisions of the Codified Ordinances of the City of Reading.

§10-1508. Sidewalk Café Permit Fees.

- A. The permit fee for a sidewalk cafe shall be \$275 for the calendar year.
- B. The permit fee for a mini-café shall be \$25 for the calendar year.
- C. There shall be no prorating or rebating of permit fees.

§10-1509. Sidewalk Café Application Requirements.

Each applicant for a license under this article shall submit three copies of his application and plans for the sidewalk cafe to the Codes Enforcement Office, who shall issue a permit upon compliance with the terms and conditions of this article. Application must be made within 14 business days prior to the intended start date. Applications for sidewalk cafe permits shall include the following:

- A. The name and street address of the applicant.
- B. The name and street address of the owner of the sidewalk cafe, of the owner of the underlying freehold and/or abutting property owner if not the same person and:
 - (1) A description of the owner of the abutting property, if other than a natural person, including the legal status (corporation, partnership, etc.) and a general description of the type(s) of business operated on the abutting property.
 - (2) Letter from the abutting property showing their support for the operation of a sidewalk café.
 - (3) Written authority in the form of a power of attorney from the owner to submit the application if the applicant is not the owner of the abutting property.
- C. The name and street address of the registered agent for the service of process, if the applicant represents a corporation; or the names and street addresses of the officers or partners, if the applicant represents an association, partnership or other entity.
- D. The name and street address of the operator, manager or other person responsible for the operation of the sidewalk cafe.
- E. The name under which the sidewalk cafe will be operated.
- F. The street address and the City food establishment license number of the restaurant operating and servicing the sidewalk cafe.
- G. A copy of the current City Business License.
- G. A site plan drawn to a scale of 1/2 inch equals one foot, showing:
 - (1) The entirety of the sidewalk abutting the property of the owner;
 - (2) The frontage of the property proposed for the sidewalk cafe;

- (3) All abutting properties;
 - (4) All existing sidewalk features, including but not limited to trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, telephone booths, news vending racks and mailboxes;
 - (5) Any bus stops within 25 feet on either side of the proposed sidewalk cafe area; and
 - (6) Detailed drawings of legible proportions showing the limits of the proposed sidewalk cafe site, the design dimension and proposed location of all proposed temporary structures (i.e., canopies, umbrellas, planters, landscaping, tables, chairs, all exterior lighting, electrical outlets, etc.), the proposed pedestrian walkway and the side and front elevations of the proposed sidewalk cafe.
- H. The seating capacity of the proposed sidewalk cafe.
- I. A copy or copies of the certificate or certificates of insurance required to be provided.
- J. If the serving of alcoholic beverages is proposed, a copy of the current state liquor license that will allow or can be amended to allow applicant to serve alcoholic beverages in the sidewalk cafe.

§10-1510. Sidewalk Café - Review of Application.

- A. Before any permit is issued pursuant to this article, the plans submitted to the Codes Enforcement Office pursuant to this article shall be referred to and approved by the Public Works Director, Reading Police Department and Department of Fire and Rescue Services.
- B. The Codes Enforcement Office shall determine if the applicant has:
- (1) Obtained the approval of the Public Works Director and Building Official for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe. No such railing, flooring or other support or enclosure shall be considered an erection of, addition to or a structural alteration of a building or structure under applicable City Building Code unless such railing, flooring or other support or enclosure is permanently attached to such building or structure.
 - (2) Obtained the approval of the Historical Architectural Review Board (HARB) if the sidewalk café is located within any area designated as part of an historic district and if the applicant proposes any facilities which are under the jurisdiction of the HARB. The HARB shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure, for its compatibility of scale, design and alteration in the plans for a sidewalk cafe approved by the HARB requires reapproval from the HARB. Once approval is granted by the HARB, the approved plans are valid and do not require annual

reapproval. The HARB shall only review applications which have the written approval from the Public Works Director as specified herein.

(3) Complied with all rules, regulations and specifications of this article.

- C. The Codes Enforcement Office may impose any other restriction on the location, size or design of the sidewalk café that, in his sole judgment, protects the health, safety and welfare of the public.

§10-1511. Conditions for Issuance of Permit.

- A. Upon approval by the Codes Enforcement Office of the plans submitted by the applicant and upon the applicant furnishing to the City of Reading the following, the Codes Enforcement Office shall issue a permit, valid through the end of the calendar year:

- (1) A hold-harmless agreement executed by the applicant and indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the operation of the sidewalk cafe. Said hold-harmless agreement shall be subject to the approval of the City Solicitor.
- (2) Proof of liability insurance in the amount of \$100,000 per individual and \$300,000 per occurrence.
- (3) If applicable, proof that the applicant has a state liquor license authorizing him to serve alcoholic beverages in his/her sidewalk cafe.

- B. Sidewalk cafe Permits are not transferable. Changes in ownership/operation require reapplication for a permit.

§10-1512. Removal of Improvements.

- A. If the City incurs any costs in removing any equipment or improvements from a sidewalk cafe for the following reasons: the establishment failed to remove equipment at the close of the business day, the establishment went out of business or the establishment failed to renew its license, within 30 days of the close of the outdoor season, the City shall remove and store all equipment and bill the property owner for the actual costs of labor, materials, equipment or any other item, service, including storage costs, or expense incurred by the City to correct such violation, plus any additional administrative fees. The equipment removed shall remain in the City's possession until the bill for removal and any fines or fees are paid in full.
- B. Any bill for such removal of equipment undertaken pursuant to this chapter shall be billed to and paid by the property owner within 60 days. Upon failure of the property owner to pay the amounts due within 60 days, the City shall assess this uncollected debt on the property taxes of this building.

§10-1513. Permit Renewal.

A sidewalk cafe permit may be renewed annually, upon review of the renewal application and complaint history, if any, which shall be provided by the Codes Enforcement Office, Reading Police Department, Department of Public Works, and Department of Fire and Rescue Services Bureau of Police. Each agency shall provide to the Codes Enforcement Office copies of any inspection results, complaints filed and citations issued concerning the sidewalk cafe under consideration. The renewal fee for the renewed permit shall be as stipulated in §10-1508 above.

§10.1514. Written Notice of Violations; Suspension of Permit.

Upon finding by either the Codes Enforcement Office or Reading Police Department that an applicant has violated any provisions of this article, the Codes Enforcement Office shall give written notice to the applicant to correct said operational violation. Upon failure to correct said operational violation within the time frame specified, the Codes Enforcement Office may take appropriate action, as necessary, to maintain the Pedestrian Walkway. The Codes Enforcement Office may suspend the applicant's permit issued pursuant to this article, as well as pursue prosecution in accordance with the requirements herein. The Codes Enforcement Office shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this article. An appeal before City Council shall be accorded if requested.

§10-1515. Violations and penalties; effect on eligibility for permit.

- A. Whoever violates any provisions of this article shall, upon conviction thereof in a summary proceeding, be fined not less than \$200 and not more than \$1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense.
- B. Any person who is convicted of a violation of any of the provisions of this article shall have his permit suspended for one full year and shall not be eligible for another license until the expiration of one full year.
- C. Any person who fails to remove a sidewalk structure by October 30, as provided for in §10-1507, shall not be eligible for a permit in any following year.
- D. Failure to observe any of the conditions set out herein is grounds for revocation of a license. Prior to such revocation, the Codes Enforcement Office shall give 10 days' written notice to the permit of his violation of or his failure to observe a general condition as set out above. If the permittee requests a hearing prior to the expiration of that ten-day notice period, the Codes Enforcement Office shall hold a hearing to

determine if the permit should be revoked. The permittee may present evidence in his own behalf if he so desires. The decision in regard to revocation may be appealed to City Council. If the permittee fails to request such a hearing, the revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this section is revoked, all tables, chairs and other appurtenances used as a part of the sidewalk cafe shall be immediately removed from the sidewalk.

- E. This article and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

§10-1516. Determination on Application.

The Codes Enforcement Office shall grant or deny an application for a permit pursuant to this article within ten business days of its complete submission.

§10-1517. Reservation of Rights.

Neither the adoption of this article nor the granting of any permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the City of Reading with respect to streets and sidewalks, whether express or implied.

§10-1518. Penalties for Offenses

Any person who shall violate any of the provisions of this article shall be liable to prosecution and shall, upon conviction thereof, be liable to a fine that shall not be less than \$300 or exceed \$1000, imprisonment for not more than 15 days, or both such fine and imprisonment.

BILL NO. _____-2007

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE THE LEASE BETWEEN THE CITY OF READING AND THE BERKS COUNTY CHAPTER OF THE IZAAK WALTON LEAGUE OF AMERICA FOR PREMISES SITUATE IN THE VICINITY OF EGELMAN'S DAM.

WHEREAS, the City of Reading is the legal owner of certain property in the area known as "Egelman's Dam" as set forth in the attachment; and

WHEREAS, the City of Reading has previously leased the property to the Berks County Chapter of the Izaak Walton League of American and intends to renew the lease pursuant to the terms set forth in attachment; and

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute any and all documents to facilitate and effectuate the renewal of the lease between the City of Reading the Berks County Chapter of the Izaak Walton League of America for property located around "Egelman's Dam" as described in the attachment.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2007

President of Council

Attest:

City Clerk
(Council Staff)

(APPROVED BY THE PUBLIC WORKS COMMITTEE)

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2007, by and between the CITY OF READING, a municipal corporation situate in the County of Berks and Commonwealth of Pennsylvania, hereinafter called "LESSOR",

AND

THE BERKS COUNTY CHAPTER OF THE IZAAK WALTON LEAGUE OF AMERICA, INC., a non-profit corporation situate in the County of Berks and Commonwealth of Pennsylvania, hereinafter "LESSEE",

WHEREAS, one of the purposes of the IZAAK WALTON LEAGUE is to promote and foster the protection, restoration and conservation of our natural resources so that they may be reserved and enjoyed by all who wish to enjoy them, now and in the future; and

WHEREAS, to further this purpose the Berks County Chapter of the IZAAK WALTON LEAGUE has improved, protected and stocked with fish the various public waters in and around the City of Reading and the County of Berks, including Egelman's Dam; and

WHEREAS, the League previously entered into a Lease Agreement with the City of Reading on August 6, 1980 (for a term of September 1, 1981 to August 31, 2006) for Egelman's Dam, the mud catcher, the two (2) filter beds, the shed and garage appurtenant and the first one hundred (100) yards of the stream immediately below the dam, subject however to the right of the public generally to use the park's facilities. The previous Lease expired August 31, 2006; and

WHEREAS, the League was/is responsible for improvements to the leased premises (described above, including but not limited to the pump house, the garage and the grounds abutting the dam). The League desires to continue making improvements with respect to the leased property.

NOW THEREFORE, in consideration of the above promises and the mutual covenants herein contained, it is hereby agreed as follows:

1. The Lessor does hereby demise and lease unto the Lessee the following premises situate in the City of Reading, County of Berks and Commonwealth of Pennsylvania, namely: Egelman's Dam, the mud catcher, the two (2) filter beds, the shed and garage appurtenant and the first one hundred (100) yards of the stream immediately below the Dam. The public will continue to enjoy access to and use of the facilities. The term of this new agreement shall commence upon execution of the agreement by the Mayor of the City of Reading and shall terminate on August 21, 2032.
2. Said premises are to be used by the Lessee for the sole purpose of preserving and protecting said area and for the propagation of game fish therein, and in furtherance thereof, the Lessee shall have the right during the term of this Lease to take any and all steps and to make such improvements to the leased premises as will best advance the purposes as herein set forth. Prior written approval of the Lessor shall not be required unless such improvements involve substantial capital expenditure and/ or a substantial change in the presently existing condition of the leased premises.

3. It is further agreed that the Lessee shall have the option to renew this lease for an additional twenty-five year period provided written notice of said intention is directed to the Lessor at least thirty (30) days before the date of termination set within the Lease.
4. In consideration of the Lease of said premises and the obligations of the Lessee to preserve and protect the same, the Lessor hereby agrees to periodically check and maintain the valves in said filter beds, to properly seal of fence them off to prevent injury to others, to mow the grass and generally to maintain the area so as to keep it attractive and to permit convenient access thereto by the Lessee.
5. It is agreed and understood between the parties to this Agreement/Lease that the Lessor shall not be liable for and the Lessee hereby agrees to indemnify and save harmless the Lessor of and from any and all claims or demands of any character from any person or persons whatsoever for losses, injuries or damages, including attorney's fees, suffered by reason of, or in connection with the occupancy and use of the demised premises by the Lessee, its agents, employees or business invitees, and/or general public guests; and the Lessee agrees to take out and maintain Public Liability insurance covering the demised premises in the sum of \$100,000.00 for injuries and/or wrongful death to any one person and subject to the same limit for each person and in the amount not less than \$500,000 on account of one accident, in Lessee's name and in the name of the Lessor, in a company approved by the Lessor; and Lessee agrees to maintain such insurance continuously throughout the term of this Lease and to furnish Lessor

from time to time with a certificate of insurance evidencing such insurance coverage.

6. Lessor reserves the right, in the event that it is determined by proper legislative action of City Council, to sell the herein demised premises, to terminate this Lease within said term upon the giving of not less than sixty (60) days notice in writing to Lessee and, upon the giving of such sixty (60) day notice in writing, this Lease shall terminate and end at the expiration and end of the sixtieth day.
7. Any and all notices shall be mailed and/or delivered to the following addresses:
Lessor – City of Reading, Law Department, City Hall, Rm. 2-54, Reading, PA 19601; Lessee – Richard L. Heckman, 114 Shuler Rd., Fleetwood, PA 19522.
Any changes to said addresses (or entities) shall be immediately provided in writing

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year above written.

WITNESS:

CITY OF READING:

City Clerk

Mayor

“LESSOR”

WITNESS:

BERKS COUNTY CHAPTER OF THE
IZAAK WALTON LEAGUE OF
AMERICA, INC.

Secretary

President

“LESSEE”

BILL NO. _____
AN ORDINANCE

AMENDING CODIFIED ORDINANCES OF THE CITY OF READING, CHAPTER 6,
SECTION 6-122 - BY BRINGING IT INTO COMPLAINE WITH THE BOTTLE CLUB
ORDINANCE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Section 6-122 of the Codified Ordinances of the City of Reading
as follows:

**§6-122. Prohibiting Consumption of Alcoholic Beverages
without the Consent of the Owner.**

No person within the City shall consume alcoholic beverages on public places *unless
permitted by law* or on private property without the consent of the owner. With respect
to governmentally-owned property, the consent of duly authorized representatives of
the governmental entity shall be required.
(Ord. 89-1989, 8/30/1989, §2)

SECTION 2. All Ordinances or parts thereof conflicting with the provisions
of this Ordinance are hereby repealed, insofar as they are inconsistent with this
Ordinance.

SECTION 3. Any court determination that a portion of an amended section is
unconstitutional or invalid shall not affect the remaining portion of said section or other
Ordinance sections.

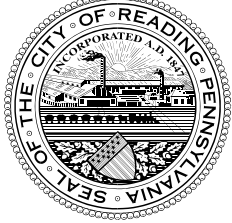
SECTION 4. This Ordinance shall become effective within ten (10) days of
the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 2007

Council President

Attest:

City Clerk



AGENDA MEMO

MANAGING DIRECTOR

TO: President Spencer and City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: May 14, 2007

AGENDA MEMO DATE: May 3, 2007

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for Charles D. Younger, City Solicitor, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the City Solicitor to \$66,150, a five (5%) percent increase, effective January 10, 2007. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible. Mr. Younger has been instrumental in the Antietam Lake litigation support, the Market House acquisition, the Elks Club and the Neversink Mountain proposal.

BUDGETARY IMPACT:

The 5% increase amounts to \$3,150. Funds are available in the City's General Fund in the City Solicitor's budget. This increase accounts for two evaluation periods.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

To increase the present salary of the City Solicitor to \$66,150.

BILL NO. _____-2007

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE CITY SOLICITOR, CHARLES D. YOUNGER, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, Charles D. Younger, was confirmed, by City Council, as the City's Solicitor on January 10, 2005; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, Charles D. Younger, was evaluated by both City Council and the Administration and has received a performance evaluation which is satisfactory, he is entitled to a salary increase to \$66,150.00 (5% merit) effective retroactively to January 10, 2007.

SECTION 1. COMPENSATION. The salary of the City Solicitor, Charles D. Younger, shall be SIXTY-SIX THOUSAND ONE HUNDRED FIFTY DOLLARS (\$66,150.00) per annum, payable in equal bi-monthly installments.

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES CHAPTER 11, PART 1 §11-102. PERMIT REQUIRED; APPLICATION; FEES; EXEMPTIONS BY CHANGING THE MAILING DATE, SUBMITTAL DATE AND EFFECTIVE DATE OF THE RENTAL OCCUPANCY PERMIT APPLICATIONS FOR THE 2007 CALENDAR YEAR AND EXTENDING THE EFFECTIVE DATE OF THE 2006 RENTAL OCCUPANCY PERMITS THROUGH AUGUST 31, 2007.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Chapter 11, Part 1 §11-102. Permit Required; Application; Fees; Exemptions by changing the Mailing Date, Submittal Date and Effective Date of the Rental Occupancy Permit Applications for the 2007 calendar year, thereby extending the effective date of the 2006 Rental Occupancy permits through August 31, 2007 as set forth hereafter.

SECTION 2. Chapter 11, Part 1 §11-102. Permit Required; Application; Fees; Exemptions, paragraph G requires the application package to be sent to all permit holders by April 30th of the calendar year. Due to another pending amendment of this ordinance, this date is hereby amended and will be changed to June 30 for the 2007 calendar year only.

SECTION 3. Chapter 11, Part 1 §11-102. Permit Required; Application; Fees; Exemptions, paragraph H requires the renewal applications to be submitted to the City between May 1 and June 30 of the calendar year. Due to another pending amendment of this ordinance, these dates are hereby amended and will be changed to July 1 and August 31 of the 2007 calendar year only.

SECTION 4. Chapter 11, Part 1 §11-102. Permit Required; Application; Fees; Exemptions, paragraph F requires that the effective date of the permits shall be July 1 of the calendar year. Due to another pending amendment to this ordinance, the effective date for the 2007 calendar year only is hereby amended and will be changed and/or extended to September 1, 2007.

SECTION 5. These modified dates shall not relieve anyone from the other requirements of Chapter 11. The fees applied in Chapter 11 shall not be prorated or adjusted and all other Chapter 11 requirements and penalties as stated and set forth

prior to this ordinance shall likewise be applied, remain in force, and are hereby ratified.

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SECTION 6. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

(Councilwoman Goodman-Hinnershitz)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2007
A N O R D I N A N C E

**AUTHORIZING THE SALE OF THE FOLLOWING PROPERTY: STREET
READING, BERKS COUNTY, PENNSYLVANIA.**

SECTION 1. The City of Reading is the titled owner of lots 22 and 23, in block 27 of a plan known as Glenside the premises adjoins 1129 Chester Street, Reading, Berks County, Pennsylvania; and

SECTION 2. The City of Reading hereby offers said premises to Mr. John Weidner at the agreed upon price of \$1,000.00; and

SECTION 3. The City of Reading now waives any and all requirements as might be set forth in the Administrative Code, and

SECTION 4. City Council thereby directs the Administration to take the necessary steps to effectuate the conveyance of the property, with all possible speed, to Mr. John Weidner

SECTION 5. This Ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date:

Received by Mayor's Office: _____

Date:

Approved by Mayor: _____

Date:

Vetoed by Mayor: _____

Date:

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2007, by and between the CITY OF READING, a municipal corporation situate in the County of Berks and Commonwealth of Pennsylvania, hereinafter "SELLER"

AND

MR. JOHN WEIDNER., a private citizen, residing at 1129 Chester Street in the City of Reading in the County of Berks and Commonwealth of Pennsylvania, hereinafter "PURCHASER",

WHEREAS, the Purchaser acquired 1129 Chester Street in 1973; and

WHEREAS, in 1978 the Purchaser approached the Seller regarding the irregular parcel adjoining 1128 Chester Street, hereinafter "PARCEL". The Parcel is defined as: lots 22 and 23 in Block 27 of a plan known as "Glenside" identified in Planning Book Volume 2, page 47, situate in the 19th Ward of City of Reading, County of Berks; and

WHEREAS, in 2005 the Seller sold properties through a competitive, open and fair auction, the Purchaser attempted to acquire the Parcel at auction; and

WHEREAS, the Purchaser was unsuccessful and the Seller remained titled owner of the Parcel; and

WHEREAS, upon conclusion of the auction the Purchaser restated a previous offer to acquire the property at a purchase price of \$1,000.00; and

WHEREAS, the Purchaser has maintained the Parcel for over thirty (30) years, originally clearing the Parcel of weeds and debris, the efforts of the purchaser has spared the Seller maintenance costs for the corresponding period; and

WHEREAS, the Purchaser desires to continue maintaining and improving the Parcel.

NOW THEREFORE, in consideration of the above promises and the mutual covenants herein contained, it is hereby agreed as follows:

8. The Seller does hereby demise and convey unto the Purchaser the following premises situate in the City of Reading, County of Berks and Commonwealth of Pennsylvania, namely: lots 22 and 23 in Block 27 of a plan known as "Glenside" identified in Planning Book Volume 2, page 47, situate in the 19th Ward of City of Reading. The terms of this agreement shall commence upon execution of the agreement by the Mayor of the City of Reading and the Purchaser.
9. The Parcel is to be used by the Purchaser for the sole purpose of preserving and maintaining said area as an extension to and match of the property situate at 1129 Chester Street.
10. The Purchaser agrees to pay to the Seller \$1,000.00 upon commencement of the terms of the agreement.
11. It is further agreed that the Purchaser shall assume responsibility for all legal fees and other such costs as might be associated with the conveyance of the Parcel.
12. It is agreed and understood between the parties to this Agreement that the Seller shall not be liable for and the Purchaser hereby agrees to indemnify and save harmless the Seller of and from any and all claims or demands of any character from any person or persons whatsoever for losses, injuries or damages, including attorney's fees, suffered by reason of, or in connection with the occupancy and

use of the demised premises by the Purchaser, its agents, employees or business invitees, and/or general public guests; and the Purchaser agrees to take out and maintain the appropriate insurance covering the demised premises.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year above written.

WITNESS:

CITY OF READING:

City Clerk

Mayor

“SELLER”

Mr. John Weidner

Resident

“PURCHASER”

BILL NO. _____-2007

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN “LAND-OWNER-GRANTEE AGREEMENT” BETWEEN THE CITY OF READING AND THE RIVERPLACE DEVELOPMENT CORPORATION AND/OR COMMON-WEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ESTABLISH SOLAR-POWERED LIGHTING ALONG THE SCHUYLKILL RIVER AND WYOMISSING CREEK TRAILS.

WHEREAS, there exists a certain Pennsylvania Department of Environmental Protection Energy Harvest Program; and

WHEREAS, the City of Reading desires to participate in said program to establish solar-powered lighting along the Schuylkill River and Wyomissing Creek Trails; and

WHEREAS, the City of Reading desires to enter into a certain Landowner-Grantee Agreement to facilitate entry upon its land for the work required to establish said solar-powered lighting and subsequent monitoring visits, maintenance, and other tasks.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute the “Landowner-Grantee Agreement” between the City of Reading and the RiverPlace Development Corporation and/or the PA Department of Environmental Protection for the establishment and maintenance, etc. of solar-powered lighting along the Schuylkill River and Wyomissing Creek Trails (attached as Exhibit A).

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor, or as provided in the City of Reading’s Charter.

Enacted _____, 2007

BILL NO. _____-2007

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS 101 LANCASTER AVENUE, READING, BERKS COUNTY, PA FROM THE NATIONAL PENN BANK TO THE CITY OF READING.

WHEREAS, the City of Reading is interested in acquiring ownership of property known as 101 Lancaster Ave., Reading, Berks County, Pennsylvania (Mapped PIN # 5306-4965-1844); and

WHEREAS, the owner of said property is the National Penn Bank, which is willing to convey said premises for a sum certain of \$375,000; and

WHEREAS, the City of Reading finds that acquisition of subject premises pursuant to said condition is acceptable.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as 101 Lancaster Avenue, Reading, Berks County, Pennsylvania, from the National Penn Bank, to the City of Reading for the purchase price of \$375,000.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Resolution No. _____2007

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right; and

WHEREAS, the free choice to join with others and bargain for better wages and benefits
is essential to economic opportunity and good living standards; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, states in which more people are union members are states with higher wages, better benefits and better schools; and

WHEREAS, union workers receive better wages and benefits, with union workers earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance, and are four times more likely to have access to a guaranteed defined-benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 31 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form

unions, and most violations of workers' freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

WHEREAS, a worker's fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the U.S. Congress In order to restore workers' freedom to join a union;

WHEREAS, The Employee Free Choice Act will safeguard workers' ability to make their own decisions with these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights.

THEREFORE, BE IT RESOLVED that the City of Reading City Council supports the Employee Free Choice Act which would authorize the National Labor Relations Board To certify a union as the bargaining representative when a majority of employees Voluntarily sign authorizations designating that union to represent them; provide for first Contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union.

THEREFORE, BE IT RESOLVED/PROCLAIMED that we urge Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union.

Adopted on _____ 2007

Vaughn D. Spencer
President of Council

ATTEST:

Linda A. Kelleher, City Clerk

CITY OF READING,
PENNSYLVANIA



M E M O R A N D U M

TO: Linda Kelleher, City Clerk
FROM: Adam Mukerji, Community Development Manager
DATE: May 22, 2007
SUBJECT: Passage of a resolution authorizing the Mayor to execute a 2007 Action Plan amendment.

Community Development is asking City Council to approve the amendment at the **May 29, 2007** City Council meeting.

BACKGROUND: Approximately \$143,376 in CDBG funding has been made available to re-program. The increase in funding for the activity was first presented to City Council in a memorandum dated February 7, 2007.

BUDGETARY IMPACT: None. However, a General Fund impact is projected for 2008 unless other CDBG funds are identified.

PREVIOUS ACTION: Previous funding requests have not been approved by the City Council for various reasons.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: Managing Director and Mayor.

RECOMMENDED MOTION: The FFY2007 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended.

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF READING

**AUTHORIZING THE MAYOR TO EXECUTE A
FFY2007 ONE YEAR ACTION PLAN
AND FFY2004 TO FFY2008 FIVE YEAR CONSOLIDATED PLAN
AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2004 to FFY2008 five year Consolidated Plan (30th to 34th CD years January 1, 2004 to December 31, 2008) and the FFY2007 one year Action Plan (33rd CD year January 1, 2007 to December 31, 2007) have been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$143,376 is available in CDBG funds to re-program for eligible and fundable activities.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2007 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended to reprogram CDBG funding for the following activities

Add \$143,376 to increase total funding to \$156,376 - Reading Beautification Inc. / City Office of Neighborhood Development Community Organizer

Community organizers work with neighborhood groups that have a service area of at least 51% low / moderate income persons. \$15,000 of the funding will be used to publish a neighborhood resource guide for the low / mod neighborhood groups to distribute. The activity eligibility / fundability is low mod area 24CFR570.208(a)(1) / public services 24CFR570.201(e).

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____, 2007

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

Resolution No. _____

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